

Union Calendar No. 295

108TH CONGRESS
2D SESSION

H. R. 2010

[Report No. 108-515]

To protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2003

Mr. FALEOMAVAEGA introduced the following bill; which was referred to the Committee on Resources

JUNE 1, 2004

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on May 7, 2003]

A BILL

To protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. FINDINGS.**

2 *Congress finds the following:*

3 *(1) It is in the national interest that qualifying*
4 *members of the Armed Forces on active duty and*
5 *other overseas voters be allowed to vote in Federal*
6 *elections.*

7 *(2) Since 1980, when the first election for the*
8 *Congressional Delegate from American Samoa was*
9 *held, general elections have been held in the first week*
10 *of November in even-numbered years and runoff elec-*
11 *tions have been held 2 weeks later.*

12 *(3) This practice of holding a run-off election 2*
13 *weeks after a general election deprives members of the*
14 *Armed Forces on active duty and other overseas voters*
15 *of the opportunity to participate in the Federal elec-*
16 *tion process in American Samoa.*

17 *(4) Prior to and since September 11, 2001, and*
18 *due to limited air service, mail delays, and other con-*
19 *siderations, it has been and remains impossible for*
20 *absentee ballots to be prepared and returned within a*
21 *2-week period.*

22 *(5) American Samoa law requiring members of*
23 *the Armed Forces on active duty and other overseas*
24 *voters to register in person also prevents participa-*
25 *tion in the Federal election process and is contrary*

1 *to the Uniformed and Overseas Citizens Absentee Voting Act.*

3 (6) *Given that 49 states elect their Representatives to the United States House of Representatives by plurality, it is in the national interest for American Samoa to do the same until such time as the American Samoa Legislature establishes primary elections and declares null and void the local practice of requiring members of the Armed Forces on active duty and other overseas voters to register in person which is contrary to the federal Uniformed and Overseas Citizens Absentee Voting Act.*

13 **SEC. 2. PLURALITY OF VOTES REQUIRED FOR ELECTION OF**
 14 **DELEGATE.**

15 *Section 2 of the Act entitled “An Act to provide that*
 16 *the Territory of American Samoa be represented by a non-*
 17 *voting Delegate to the United States House of Representa-*
 18 *tives, and for other purposes”, approved October 31, 1978*
 19 *(48 U.S.C. 1732; Public Law 95–556) is amended—*

20 (1) *in subsection (a)—*

21 (A) *by striking “majority” and inserting*
 22 *“plurality” the first place it appears; and*

23 (B) *by striking “If no candidate” and all*
 24 *that follows through “office of Delegate.”; and*

1 (2) by adding at the end the following new sub-
2 sections:

3 “(c) *ESTABLISHMENT OF PRIMARY ELECTIONS.—The*
4 *legislature of American Samoa may, but is not required*
5 *to, provide for primary elections for the election of Delegate.*

6 “(d) *EFFECT OF ESTABLISHMENT OF PRIMARY ELEC-*
7 *TIONS.—Notwithstanding subsection (a), if the legislature*
8 *of American Samoa provides for primary elections for the*
9 *election of Delegate, the Delegate shall be elected by a major-*
10 *ity of votes cast in any subsequent general election for the*
11 *office of Delegate for which such primary elections were*
12 *held.”.*

13 **SEC. 3. EFFECTIVE DATES.**

14 *The amendments made by paragraph (1) of section 2*
15 *shall take effect on January 1, 2006. The amendment made*
16 *by paragraph (2) of section 2 shall take effect on January*
17 *1, 2005.*

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